

REMARKS REGARDING STATUS OF CLAIMS

Claims 1-8, 18, 19, and 22-29 are currently pending in this application.

Claim 1 is amended to conform to the Examiner's restriction requirement set forth in the Addendum to Advisory Action dated October 28, 2003, and the Ex Parte Quayle Action. Claims 2, 3, 6, 7, 8, 22, 23, 26, and 29 are canceled, and new claims 30-34 are added by this Amendment. Applicants are amending the claims solely to expedite allowance of the application. Applicants respectfully maintain that the restriction requirement and procedure for restricting the claims of this application and in the Ex Parte Quayle Action is improper. Applicants, therefore, make no admission or concession regarding the propriety of the restriction requirement and reserve the right to petition or otherwise challenge the propriety of the restriction requirement in this and any related patent application(s). Upon entry of the amendment, claims 1, 4, 5, 18, 19, 24, 25, 27, 28, and 30-34 will be pending in the application. Each of new claims 30-34 depends from dependent claim 4 which depends from claim 1 and includes each and every feature of independent claim 1. Therefore, no new search should be required. Applicants respectfully request that the Amendment be entered in its entirety. Support for amended claim 1 and new claims 30-34 is found through the specification and claims as filed, including, but not limited to the following:

- claim 1: Claim 1 as originally filed, and paragraphs 17, 77-78, 80-85, and 90-96;
- claim 30: paragraphs 85 and 233, and Examples 10 and 13;
- claim 31: paragraphs 85 and 233, and Examples 10 and 13;
- claim 32: paragraphs 85 and 233, and Examples 5, 7, and 11;
- claim 33: paragraphs 85 and 233, and Examples 8 and 12; and
- claim 34: paragraphs 85 and 233, and Examples 8 and 12;

In view of the following remarks and amendments and the previous Ex Parte Quayle Action, Applicants respectfully submit that the application is in condition for allowance.

REMARKS

The Ex Parte Quayle Action indicated that claims 1, 5-8, 18, and 19 were allowable, but objected to them for including non-elected subject matter. The Ex Parte Quayle Action thus required that applicants amend the claims in accordance with the restriction requirement in addition to amending the title of the application and overcoming the objections with respect to claims 2-4. The restriction requirement set forth in the Ex Parte Quayle Action and Addendum to Advisory Action includes the following:

1. Y is an NH₂;
2. Z is N;
3. R¹ and R² form a 6 membered hetero ring containing a sulfur, oxygen, or nitrogen atom;
4. R⁵ or R⁶ is a hetero ring; and
5. All other R groups are non-hetero rings or non hetero ring containing groups.

In response to the Ex Parte Quayle Action, Applicants amended the claims to partly conform to the restriction requirement noted above, amended the title, and amended claims 2-4 based on the amendment of claim 1 to read as properly dependent claims. Applicants have now amended the only independent claim of the application, claim 1, in accordance with the restriction requirement imposed against the claims of this application as specified in the Ex Parte Quayle Action and in the Addendum to Advisory Action. Therefore, Applicants respectfully submit that claim 1 should now be allowable.

Each of the other claims is of proper dependent form and narrows the scope of independent claim 1. Because the Ex Parte Quayle Action indicated that claim 1 would be allowable, and each of the dependent claims properly depends from claim 1, Applicants respectfully submit that each of dependent claims 4, 5, 18, 19, 24, 25, 27, 28, and 30-34 should also be allowable.

CONCLUSION

In view of the amendment and above remarks, it is respectfully submitted that this application is in condition for allowance. Early notice to that effect is earnestly solicited. The Examiner is invited to telephone the undersigned at the number listed below if the Examiner believes such would be helpful in advancing the application to issue.

Respectfully submitted,

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